



Town of Sheffield

Planning Board

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Sheffield, MA 01257

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Public Hearing Minutes

Regarding the Special Permit Application of Frank, Rhonda and Adrian Cushwa for an Event Planning Business.

Wednesday, June 12, 2013, 7:00 PM

TOWN HALL – 1ST FLOOR MEETING ROOM

Board Members Present: David A. Smith Sr.
James T. Collingwood Jr.
Maria Nation
Margaret Martin
Peter Cherneff

Members of the Public Present: David West
Jeff Waingrow
Rhonda Cushwa
John Ullrich
Judith Ullrich
Dan Brown, representing John and Judith Ullrich
Pricilla Cote, Board of Health
Rene Wood
Joel Weis, Board of Health
Bill Stuhlbarg, Berkshire Lake Association
Michael Advocate, representing self and wife Wendy
Frank Cushwa
Edward Surjan
BJ Dahl
Adrian Cushwa

Margaret Martin, Secretary of the Planning Board read the published notice of the Public Hearing, published in the *Berkshire Eagle* on May 24th and May 31st, 2013.

The Board read the following letters aloud:

- letter from William Stuhlbarg.
- letter from the Kushwa's neighbor Shirley and Stuart Smithberg objecting to the Special Permit because of noise, the welfare of the lake and the welfare of all the neighbors. The letter mentioned potential problems with traffic on Undermountain Road. The letter also mentioned that the property is in a rural area and that weekly parties will substantially

disrupt the peaceful nature of the neighborhood.

- letter from Ann Kayton

Applicant Adrian Cushwa, of 247 Undermountain Road explained to the Board that he went away to college but now wishes to live in Sheffield which requires him to start his own business. He stated that no boating whatsoever will be associated with this business.

All members of the Planning Board asked questions to which Mr. Cushwa provided the following answers:

Porta-potties will be at the end of the driveway where it comes up between the two buildings. There will be no seepage from the porta-potties. There will be no public use of the house. Mr. Cushwa stated that his guests will provide economic stimulus to many businesses in the area.

Mr. Cushwa stated that both his sisters have had their weddings on the property. There were 120 people at each wedding. The maximum he could accommodate in this business would be 200. There would be no parking on the road. There would be valet parking. During his sister's weddings, 120 guests stayed at bed and breakfasts up and down Route 7 and Route 41. The neighbors did not complain about those events. Currently you can see the porta-potties from the road, but they could be screened. The house and land where he proposes to have his businesses are surrounded by empty land

Mr. Cushwa stated that he would work with wedding planners. The present use of the property is residential and commercial, the Sign Barn is the business on the property. Since the 40's-50's there has been a hotel there. Most of the parking would be on the lawn and about 20 cars would be able to park on the driveway. In case of rain, they would have shuttles picking people up at their hotels/bed & breakfasts. His goal for the first few years would be 5 events per year.

Mr. Cushwa explained that the entire property for the business is 2 connected lots, a total of 3 acres, owned by Frank and Rhonda Cushwa. They also own 120 acres surrounding the business property. Parking is located in the front of the structure.

Rhonda Cushwa stated that in 1995, she and her husband got a Special Permit to have their sign business there.

Pricilla Cote, Sheffield Resident and Member of the Board of Health stated that a Special Event Permit is a one-day event which can be approved by the Board of Health, but this is a Special Event Business. Potable water cannot come from a garden hose, there have to be adequate facilities for food preparation. These requirements are State Regulations.

Bill Stuhlbarg, President of the Berkshire Lake Property Association stated that dozens of homes could be affected by the nuisance impact. Many members live across the lake, sound does travel across the lake. The application stated "*weddings and other events*" There are about 100 property owners today and only about 26 houses.

Rene Wood, Board of Health Member, declared that allowing such a business would not be fair to other property owners. She said that the Events Barn and the Stage Coach Tavern have had to

upgrade their water supply. Speaking as a private citizen she wonders if this a grandfathered use, may be for the ZBA to review. She doesn't see how it is under "country club" use. It has no permanent structures and no membership. She asked how small of a footprint will these 200 people be using if you exclude the house and the barn. If this permit is granted, she recommends conditions regulating noise etc. and hours restricting activities.

The Board asked the members of the Board of Health if they could provide formal input on this matter. The Board of Health members agreed to do so.

Joel Weiss of the Board of Health stated that Berkshire Lake is pristine and he would like to keep it that way. He stated that there are no septic system plans for this property. He asked if there is going to be swimming, is there going to be a lifeguard there? He also asked whether there will be insurance?

Michael Advocate stated that he and his wife, Wendy, are directly affected by this business. He's had to call the police when there has been a lot of noise during Cushwa parties. When he came into the barn people were drinking and he smelled pot. They turned down the music for 20 minutes. He then called the police, after the police left the music was turned down in an hour. He complained that the front of the property is an eyesore, looks like a used car lot. When their daughter got married, they cleaned everything up. Mr. Advocate provided pictures of the property with vehicles and others showing the property in a cleaned up condition. He stated that every July they have a big bash, there are loud parties several times a year. He asked the Board to require more screening. He wondered where is the leaching field, in the front under the car park area? Or is it in the back where the festivities will be. He can see the tent, that is not the issue; the issue is noise, traffic problems and environmental health. He stated that the nature of their business is that they got to events and make signs for people there. They need these vehicles for their business, but are capable of hiding them when not in use.

Peter Cherneff asked Adrian Cushwa about the existing business. He said both businesses would operate in the summer and only the sign business would operate during the winter. He would be willing to limit the Event business such that the events would end at midnight. He described the sign business. His parents manufacture them on the premises and then take them elsewhere to sell them.

Peter Cherneff moved that the Planning Board continue the public hearing to July 10 and hold it open pending information from the Police Department, the Board of Health, the Conservation Commission and the Lake Association. Margaret Martin seconded the motion. The motion passed unanimously.

At 8:48 PM The Public Hearing was continued to July 10.

Respectfully submitted,



Nadia Milleron
Secretary to the Planning Board

Sheffield Planning Board
 Regular meeting and Special Permit
 Hearing
 Wednesday, June 12, 2013

Sign - In Sheet PRINT CLEARLY

<u>Name</u>	<u>Representing</u>
David West	self
Jeff Waingrow	self
Rhonda Cushman	self
JON W ULLRICH	SELF
JUDITH ULLRICH	self
Dan Brown	John & Judith Ullrich
Priscilla Cate	BOTH
Rene Wood	SELF
Joel Wene	BOIT
BILL STUHLBARG	SELF, Berkshire Sakelason.
Michael Advocate	self + wife, Wendy
FRANK CUSHWA	self
Edward Surjan	self
BJDagel	self

Attachment 16/12/13
~~Meeting~~
Special Permit
hearing

planning board hearing June 12

From: **Shirley Smithberg** (sbsmithberg@gmail.com)
Sent: Fri 6/07/13 9:52 AM
To: westhill483@hotmail.com

204 So. Undermountain Rd.
Sheffield, Ma. 01257
June 4, 2013

Mr. David A. Smith, Sr.
Sheffield Planning Board
P.O. Box 325
Sheffield, Ma. 01257

Dear Mr. Smith,

Re.: Special Permit application #050613

As a neighbor of the Cushwas with property both adjacent and opposite to them, and, unfortunately, a view of almost their entire property, my husband, Stuart Smithberg, and I strongly oppose granting the Cushwas this application for outdoor events for the following reasons.

Noise: The few parties that the Cushwas have already held on their premises have been noisy with music and shouting by dozens of people. They have continued long past midnight, disrupting our sleep. This is a neighborhood that is quiet, serene, and calm. Having outdoor events by up to 200 people, consuming alcohol, with no time limits, will seriously disturb not only our peace and serenity, but change what is a quiet, safe, residential neighborhood to a commercial center.

Trout Pond: Frank and Rhonda Cushwa are active members of the Lake Association, supposedly caring for the lake's purity and cleanliness. Bringing up to 200 people in dozens of boats onto the lake jeopardizes the cleanliness of the lake as well as the safety of swimmers, such as me. Having intoxicated people in boats is especially dangerous to us swimmers. There is an obvious conflict of interest between their business venture and responsibility to the lake and to the property owners around the lake who pay the association for the lake's upkeep.

Toilets: The Cushwas' proposal is to have several porta-potties on their property, an eye sore, at best. Plus, there is no guarantee that the guests will wait to use the port-potties, but do their business in the lake or in the bushes. I have already seen one male guest of the Cushwas cross the hedges and urinate on my property. It seems logical to assume that there will be an increased usage of the toilets in the Cushwas' home, which will cause seepage into the lake and the adjacent wetlands. A study of environmental impact to the lake and wetlands should be held before further consideration of this application. In fact, the usage of the lake and the wetlands by so many people continuously over six months every year needs to be studied for its effect.

Parking: The Cushwas now park dozens of cars on their lawn, but if there are more cars, there will be

no room on their property despite their assertion that they can park cars for up to 200 people. The excess cars (50! 80!) will need to park on Undermountain Road, a narrow shoulderless road, which is dangerous, or on my property, which is not permitted. In some of their past activities, their "guests" parked up and down the road.

Traffic: These events will cause significant increase in traffic on Undermountain Road which affects my safety and the safety of my children and grandchildren crossing the road from our house to our property on the lake. The trucks coming to deliver and remove the porto-potties will be another increase to the traffic. Also, the catering trucks, the tent installers, plus other suppliers will add significantly to the traffic.

Resale value: One attraction of our property is that it lies in a rural area that is tranquil and beautiful. Having a noisy party with drinking, loud music, unsightly porto-potties, crowds on the lake, etc., etc. every weekend from April through October from a neighbor's property will substantially reduce the value of our property and any chance we might have of selling it eventually.

This area of Sheffield should remain the way it is - rural and peaceful. Please do not grant this application.

Very truly yours,

Shirley Smithberg
Stuart Smithberg